

Filed by:

Paper No. 19

Michael P. Tierney
Administrative Patent Judge
Mail Stop Interference
P.O. Box 1450
Alexandria Va 22313-1450
Tel: 571-272-9797
Fax: 571-273-0042

Filed: December 15, 2005

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES
(Administrative Judge Michael P. Tierney)

TREVOR G. BLEASE AND JOHNY D. GRADE
Junior Party
(U.S. Application No. 10/824,644),

v.

ELIZABETH A. SALTER, PATRICK W. HOULIHAN,
MICHAEL A. BAJRASZEWSKI,
RODNEY W. PARR, AND KEITH MOODY
Senior Party
(U.S. Patent No. 6,590,030).

FAXED

DEC 15 2005

**PAT. & T.M. OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES**

Patent Interference No. 105,322 (MPT)
(Technology Center 1700)

JUDGMENT - REQUEST FOR ADVERSE - Bd. R. 127(b)

Before: Lee, Tierney and Moore, Administrative Patent Judges

Tierney, Administrative Patent Judge.

A. Conference call

A telephone conference call was held on December 15, 2005 at approximately 4:00 p.m.,
involving:

1. Paul Shearer, counsel for Junior Party Blease,
2. Ray Stewart, counsel for Senior Party Salter, and

3. Michael P. Tierney, Administrative Patent Judge ("APJ").

B. Relevant discussion during conference call

The principal purpose of the conference call was to discuss the parties' settlement of the interference. According to the parties', both sides agreed that Junior Party Blease was not the first to invent the subject matter of Count 1, the sole count in interference. Accordingly, Junior Party Blease has requested adverse judgment under 37 C.F.R. 41.127(b).

Additionally, the parties agreed that a copy of the settlement agreement will be filed with the USPTO in accordance with 35 U.S.C. §135(c) and 37 C.F.R. §41.205.

Upon consideration of Blease's request for Adverse Judgment, it is hereby:

ORDERED that judgment on priority as to Count 1, the sole count in interference, is awarded against Junior Party Blease.

FURTHER ORDERED that Junior Party Blease is not entitled to a patent containing claims 14-29, all of which correspond to Count 1, of its involved U.S. Application No. 10/824,644.

FURTHER ORDERED that a copy of this paper shall be made of record in the files of U.S. Application 10/824,644 and U.S. Patent No. 6,590,030.

FURTHER ORDERED that the parties attention is directed to the settlement agreement provisions in 35 U.S.C. §135(c) and 37 C.F.R. §41.205.

<u>/ss/ Jameson Lee</u>)	
ADMINISTRATIVE PATENT JUDGE)	
)	
<u>/ss/ /Michael P. Tierney</u>)	BOARD OF
ADMINISTRATIVE PATENT JUDGE)	PATENT APPEALS
)	AND
<u>/ss/ /James T. Moore</u>)	INTERFERENCES
ADMINISTRATIVE PATENT JUDGE)	

cc (via Facsimile):

Attorney for Blease:

Paul L. Sharer
Mayer, Brown, Rowe & Maw LLP
1909 K Street, NW
Washington DC US 20006
Tel.: 202-263-3340
Fax: 202-263-3300

Attorney for Salter:

Raymond C. Stewart
BIRCH, STEWART, KOLASCH & BIRCH, LLP
8110 Gatehouse Road, Suite 100E
Falls Church, VA 22042
Tel: 703-205-8000
Fax: 703-205-8050